

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORDER

AND NOW this 21 day of September, 2006, IT IS HEREBY ORDERED that defendant's motion for a new trial [doc. no. 70] is DENIED, WITHOUT PREJUDICE. According to Federal Rule of Criminal Procedure 33(b)(1), we do not have the power to grant defendant the relief he has requested while his petition for certiorari is pending before the United States Supreme Court.

BY THE COURT

cc: All Counsel of Record